

MINUTES

Regular Meeting – Aurora City Council Monday, December 21, 2020

1. **RECONVENE REGULAR MEETING OF DECEMBER 21, 2020 AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council at 7:30 p.m.

2. **ROLL CALL** Susan Barkman, Interim City Clerk

COUNCIL MEMBERS PRESENT: Mayor Coffman, Bergan, Berzins, Bergan, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marciano, Murillo

Roger Sherman provided call-in instructions for the benefit of the public.

3. **INVOCATION/MOMENT OF SILENCE**

Mayor Coffman called for a moment of silence for all those who lost their lives to and those who continue to struggle with COVID.

4. **PLEDGE OF ALLEGIANCE** (all standing)

5. **APPROVAL OF MINUTES**

No minutes were available for review.

6. **PROCLAMATIONS OR CEREMONIES**

None

7. **PUBLIC INVITED TO BE HEARD** (non-agenda related issues only)

Roger Sherman introduced speakers from the call-in line.

Mayor Coffman called for a five-minute break.

Roger Sherman introduced additional speakers from the call-in line and Council heard public testimony on non-agenda related items.

8. **ADOPTION OF THE AGENDA**

Motion by Coombs, second by Marciano, to approve the agenda as presented.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marciano, Murillo

8.a. **RECONSIDERATION OF RESOLUTION R2020-24 - to Suspend Certain Council Rules** Kadee Rodriguez, City Clerk / Dan Brotzman, City Attorney

Motion by Gruber, second by Marcano, to approve item 8a.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

9. **CONSENT CALENDAR**

This portion of the agenda is a meeting management tool to allow the City Council to handle several routine items with one action. Any member of the Council may request an item to be removed from the Consent Calendar and considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Consent Calendar.

9.a. **Inmate Food Service**

Consideration to AWARD A SOLE SOURCE CONTRACT to Niquito's, Aurora, Colorado in the amount not-to-exceed \$85,000.00 for delivery of prepared food and other food items to the Aurora Detention Center through December 31, 2021.

Presenter: Zelda DeBoyes, Court Administrator/Detention - Court Administration
Attorney: Dave Lathers, Senior Assistant City Attorney

Motion by Marcano, second by Coombs, to approve items 9a.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

9.b. **Annual Fit Testing Services for Scott SCBA Face Mask Annual Fit Testing Services**
Consideration to AWARD A SOLE SOURCE CONTRACT to Scott Safety, Monroe, North Carolina in the amount not to exceed \$50,000.00 for fit testing as required for Scott Self Contained Breathing Apparatus (SCBA) through December 31, 2021.

Presenter: Renee Pettinato-Mosley, Risk Manager, HR Dept.
Attorney: Dave Lathers, Senior Assistant City Attorney

Motion by Coombs, second by Berzins, to approve items 9b.

Council Member Coombs asked staff to provide a brief update on the item with regards to Aurora firefighters sharing breathing apparatus previously and the remedy for that.

Mathew Wasserburger, Aurora Fire, did so, noting the firefighters were sharing the breathing apparatus while using their own masks and stated that has been remedied through CARES funding.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

9.c. North Campus Well Field Expansion Groundwater Production Well Drilling Layne Christensen Company

Consideration to AWARD A COMPETITIVELY BID CONTRACT to Layne Christensen Company, Commerce City, Colorado in the amount of \$471,584.00 for the construction of North Campus Well Field Expansion - Groundwater Production Well Drilling, Project No. 5788A.

Presenter: John Clark, Principal Engineer
Attorney: Dave Lathers, Senior Assistant City Attorney

9.d. State and Federal Lobbying Contracts

Presenter: Luke Palmisano, Intergovernmental Relations Manager
Attorney: Rachel Allen, Client Group Manager

9.e. 18th Judicial District Juvenile Assessment Center Services for Police

Consideration to AWARD A SOLE SOURCE CONTRACT to the 18th Judicial District Juvenile Assessment Center, Centennial, Colorado in the amount of \$205,630.00 to provide services to delinquent and at-risk juveniles through December 31, 2021

Presenter: Darin Parker, Deputy Chief of Police/
Attorney: Dave Lathers, Senior Assistant City Attorney

9.f. Annual Subscription for Sierra Integrated Library Software

Consideration to AWARD A SOLE SOURCE CONTRACT to Innovative Interfaces Inc., Emeryville, California in the amount not to exceed \$191,405.49 for the 2021 annual subscription fees on the Sierra Integrated Library and related software systems used by all Aurora libraries.

Presenter: Rae Schneider, Supervisor, Library Division
Attorney: Dave Lathers, Senior Assistant City Attorney

Motion by Marcano, second by Coombs, to approve items 9c – 9f.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

9.g. Body worn Camera Equipment and Services for Police Dept.

Consideration to EXTEND AN OPENLY SOLICITED CONTRACT to Viewu, Seattle, WA in the amount of \$70,000.00 to provide 2021 Body Worn Camera hardware and software services for the Aurora Police Department through March 31, 2021. (R1717)

Presenter: Chief Vanessa Wilson, Aurora Police Department
Attorney: Dave Lathers, Senior Assistant City Attorney

Motion by Berzins, second by Gruber, to approve items 9g.

Council Member Coombs asked staff to clarify this was a limited length contract and that the City was still in the process of securing a different vendor given the City's issues with the cameras remaining secure.

Jason Bachelor, Deputy City Manager, concurred.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

- 9.h. E.H. Wachs Valve Maintenance Truck System E.H. Wachs Valve Maintenance Truck System
Consideration to AWARD A SINGLE SOURCE CONTRACT to Intermountain Sales, Inc., Englewood, Colorado in the amount of \$114,066.53 for an E.H. Wachs custom service body with valve turner and vacuum excavation system.

Ron Forrest – Fleet Manager
Dave Lathers – Senior Assistant City Attorney

- 9.i. Fire Uniforms

Consideration to EXTEND A COMPETITIVELY BID CONTRACT for fire uniforms to Gall's, Denver, Colorado in the amount not-to-exceed \$100,200.00.

Mathew Wasserburger, Assistant Director of Fire Management Services – Fire/ Senior Assistant City Attorney Dave Lathers

- 9.j. Marijuana Security Services

Consideration to EXTEND A COMPETITIVELY BID CONTRACT to Stone Security, Englewood, Colorado in the not-to-exceed amount of \$55,000.00 for inspection of security and surveillance equipment for the Marijuana Enforcement Division.

Robin Peterson, Manager of Marijuana Enforcement – Finance Department/ Senior Assistant City Attorney Dave Lathers

- 9.k. The People's Group

Consideration to award a sole source contract to The People's Group, Denver, Colorado in the amount of \$60,000.00 for events facility coordinator services for the People's Building through December 31, 2021.

Andrea Amonick, Development Svcs/Aura Mgr - Planning & Development Service/Senior Assistant City Attorney Dave Lathers

- 9.l. Consideration to EXTEND A COMPETITIVELY BID CONTRACT to Liberty Waste Management, Englewood, Colorado for portable toilet rental services in the not-to-exceed amount of \$92,600.00 on an as required basis through November 30, 2021.

John Wesolowski, Manager of Parks & Forestry – Parks, Recreation and Open Space/Senior Assistant City Attorney Dave Lathers

Motion by Marcano, second by Coombs, to approve items 9h – 9l.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

Roger Sherman provided call-in instructions for the benefit of the public.

Mayor Coffman called for a five-minute break.

10. **RESOLUTIONS**

10.a. Funding Recommendation for Jewell Apartments

R2020-164 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF THE AFFORDABLE HOUSING GAP FINANCING PROGRAM 2020 FUNDING RECOMMENDATION FOR COMMUNITY HOUSING DEVELOPMENT ASSOCIATION, INC.S JEWELL APARTMENTS

Jessica Prosser, Director of Neighborhood Services
Tim Joyce, Assistant Attorney

Motion by Marcano, second by Hiltz, to approve item 10a.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

10.b. Recommendation for Mile High Developments LLC's The Point Affordable Apartments

R2020-165 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF THE AFFORDABLE HOUSING GAP FINANCING PROGRAM 2020 FUNDING RECOMMENDATION FOR MILE HIGH DEVELOPMENT LLC'S THE POINT AFFORDABLE APARTMENTS

Jessica Prosser, Director of Neighborhood Services
Tim Joyce, Assistant Attorney

Motion by Marcano, second by Berzins, to approve item 10b.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

10.c. Recommendation for Various Projects by Elevation Community Land Trust

R2020-166 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF THE

AFFORDABLE HOUSING GAP FINANCING PROGRAM 2020 FUNDING
RECOMMENDATION FOR VARIOUS PROJECTS BY ELEVATION COMMUNITY LAND
TRUST

Jessica Prosser, Director of Neighborhood Services
Tim Joyce, Assistant Attorney

Motion by Coombs, second by Bergan, to approve item 10c.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano,
Murillo

10.d. Fitzsimmons Veterans Independent Living

R2020-167 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF THE
AFFORDABLE HOUSING GAP FINANCING PROGRAM 2020 FUNDING
RECOMMENDATION FOR THE HOUSING AUTHORITY OF THE CITY OF AURORA'S
FITZSIMMONS VETERANS INDEPENDENT LIVING

Jessica Prosser, Director of Neighborhood Services
Tim Joyce, City Assistant Attorney

Motion by Coombs, second by Berzins, to approve item 10d.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano,
Murillo

10.e. Affirming Aurora's commitment to valuing diversity, equity and inclusion

R2020-168 A RESOLUTION BY THE CITY COUNCIL OF AURORA, COLORADO,
AFFIRMING AURORA'S COMMITMENT TO VALUING DIVERSITY, EQUITY AND
INCLUSION

Janice Napper, Diversity, Equity & Inclusion Officer
Angela Garcia, Assistant City Attorney

Motion by Lawson, second by Coombs, to approve item 10e.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano,
Murillo

10.f. Dissolution of the Sterling Hills Metropolitan District

R2020-169 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, CONSENTING TO THE DISSOLUTION THE STERLING HILLS
METROPOLITAN DISTRICT

Cesarina Dancy, Development Project Manager
Brian Rulla, Assistant City Attorney

Motion by Gruber, second by Bergan, to approve item 10f.

Council Member Coombs requested a brief staff presentation for the benefit of the public.

Cesarina Dancy, Development Project Manager, did so.

Council Member Gruber pointed out this was exactly how a metro district was supposed to work and he congratulated and commended everyone involved.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

10.g. Amended & Restated IGA with E-470 Regarding Aurora Parkway Bridge

R2020-170 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN E-470 PUBLIC HIGHWAY AUTHORITY AND CITY OF REGARDING DESIGN AND CONSTRUCTION OF THE AURORA PARKWAY OVERPASS AND FUNDING THEREFOR

Matt Kozakowski, Transportation Project Delivery Manager
Michelle Gardner, Sr. Assistant City Attorney

Motion by Bergan, second by Coombs, to approve item 10g.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

10.h. Housing Strategy Resolution Approval

R2020-171 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S APPROVAL OF THE HOUSING STRATEGY

Jessica Prosser, Director of Housing and Community Services
Tim Joyce, Assistant City Attorney

Susan Barkman, Interim City Clerk, introduced Andrew Larsen, interpreter.

Mr. Larsen translated public comment on the item.

Motion by Murillo, second by Marcano, to approve item 10h.

Council Member Johnston asked staff to address the comments made during public comment.

Jessica Prosser, Director of Housing and Community Services, did so.

Council Member Murillo stated she was excited to finally see the item come to City Council for a vote and discussed the path and processes that led the item to this point.

Council Member Gruber stated only 0.17 percent of Aurora residents participated in this survey therefore he did not support the report's conclusions or recommendations. He expressed appreciation for the efforts involved.

Council Member Coombs expressed appreciation to Roots Policy Research for their efforts in this regard.

Council Member Murillo asked staff to speak to the engagement process on the study rather than the survey because there appeared to be some confusion on the two. Ms. Prosser did so.

Mayor Pro Tem Bergan expressed appreciation for the efforts that went into the item and noted there was merit in having the information. She noted her previous request for the actual comments from the joint task force relating their specific concerns were not provided. She asked if staff had spoken with the Apartment Association in this regard. Ms. Prosser confirmed the backup material included dates and general comments from the Realtors' Association and the Joint Task Force and discussed public engagement, noting she was unsure of the Apartment Association's engagement. Mayor Pro Tem Bergan expressed concerns regarding whether the ordinance would continue to be worked on or if it was complete.

Ms. Prosser stated this was the final draft of the policy framework.

Mayor Pro Tem Bergan raised the topic of diversity of products and asked if the City would track that or mandate it. Ms. Prosser stated it would be tracked and encouraged but not mandated. She stated the item would be brought back should Council wish to change the Unified Development Ordinance. (UDO) Mayor Pro Tem Bergan concurred with Council Member Gruber's comments related to the surveys and how they were not a good representation of southeast Aurora.

Council Member Hiltz stated her support of the item, noting other City outreach campaigns also had a low turnout compared to the whole population of the City and pointed out that low turnout has not been a problem in the past when it has been in the best interest of some of the people who were now stating it was not.

Mayor Pro Tem Bergan clarified a survey was not done on the Southeast Rec Center, noting the high volume of constituent emails received in that regard. She referenced the rent chart which demonstrated rent in various cities and noted Aurora came in good at approximately \$800. She noted Aurora had affordable housing and she agreed it was good to have more. She expressed appreciation to staff for their efforts in this regard and agreed it was good to have a variety of products. She stated developers were always responsive to the market.

Council Member Gardner stated he would not support the item because he felt the City should spend less time getting in the way of people who wanted to build housing rather than continuing to put things in place that made doing so more expensive.

Council Member Marcano clarified the median rent in Aurora was \$1163 and the \$853 figure was from 2010. He stated his support of the item because it acknowledged the City had a large portion of the population that was underserved when it came to housing. He stated the survey showed Aurora needed to act quickly and get to work putting forward real and creative solutions to get people housed so they could fully participate in the City's economy and enjoy the financial security that many on Council took for granted.

Council Member Hiltz clarified a public meeting was held on the Southeast Rec Center so to state that the input came only from emails was disingenuous and false.

Mayor Pro Tem Bergan stated there was public outreach on the Southeast Rec Center but a survey was not sent out on it.

Council Member Hiltz stated soliciting feedback by the City was comparable to the conversation and previous comments and she simply wanted to point that out.

Mayor Pro Tem Bergan agreed it was great that feedback was received on the Southeast Rec Center and noted her wish that more feedback could have been generated on the housing strategy.

Council Member Gardner stated the fact remained that the City has not allowed the market to truly determine what was going to be built because of their market barriers to entry for building and regulatory costs that raised the price of the home.

Council Member Marcano stated his appreciation to Council Member Gardner for his perspective. He stated the fact of the matter was there were 2.5 to 5 empty homes for every unhoused individual across the US, which demonstrated a failure of the market to actually meet the needs of people. He stated the sooner the City acknowledged the need for a public option for housing, the sooner they would make traction on dealing with homelessness and economic disparity situations in the US as a whole. He felt this provided the City with an opportunity to lead by providing a roadmap for what they would like to see in Aurora based off data staff has collected. He stated he did not see any regulatory language in the ordinance and agreed to have that discussion with Council Member Gardner at another time.

Council Member Gardner noted there were fundamental differences in his and Council Member Marcano's point of view, which was fine, but he contended any regulation introduced costs. He agreed there were appropriate regulations to have but to state that builders have to meet a certain threshold in order to build did not introduce costs was ignoring the economic realities of being in business.

Council Member Marcano asked staff if the item forced developers to adhere to certain types of construction or was it information for residents and potential developers to learn what was needed in the City. Ms. Prosser confirmed there was nothing specific in terms of regulations but there were recommendations around the fee and costs with the hope to reduce some of those costs for those building affordable products.

Mr. Larsen, interpreter, alerted Mayor Coffman there was a speaker on the line.

Mayor Coffman asked Mr. Larsen to proceed. Mr. Larsen did so.

Council Member Coombs stated her understanding that during the process there was engagement with the developers and their feedback, including what would help them to build the kind of product the City needed, that was incorporated in the backup material.

Ms. Prosser concurred.

Voting Aye: Coombs, Hiltz, Johnston, Lawson, Marcano, Murillo

Voting Nay: Bergan, Berzins, Gardner, Gruber

10.i Purchase of a Gravel Lake Water Storage Facility Adjacent to the South Platte River near Brighton

R2020-172 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING AN AMENDED AND RESTATED PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE, AND AGGREGATE INDUSTRIES-WCR, INC. FOR THE PURCHASE OF A GRAVEL LAKE WATER STORAGE FACILITY ADJACENT TO THE SOUTH PLATTE RIVER NEAR BRIGHTON

Vidmar, Richard – IBES Services Manager – Aurora Water
McKenney, Christine, Client Group Manager

Motion by Gruber, second by Coombs, to approve item 10i.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

Mayor Coffman passed the chair duties onto Mayor Pro Tem Bergan for the upcoming item.

10.j. A Ballot Question Amending Section 14-75 Of The City Code

R2020-173 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY AT THE STATEWIDE GENERAL ELECTION OF NOVEMBER 2, 2021, A BALLOT QUESTION AMENDING SECTION 14-75 OF THE CITY CODE PERTAINING TO PERMITTING RESTRICTED BREED DOGS IN THE CITY IF THE OWNER COMPLIES WITH CERTAIN REGULATIONS

Anthony Youngblood, Manager of Animal Services
Tim Joyce, Assistant City Attorney

Motion by Mayor Coffman, second by Gruber, to approve item 10j.

Mayor Coffman provided a brief summary on the item, noting his opinion that the item should be returned to the public for a vote since they were the ones who voted on it initially. He stated he took the ballot language from the City and County of Denver for Aurora's uses. He felt the language was fair and gave the voters confidence in terms of

safety and allowed flexibility for the Animal Control Services Division to come up with additional requirements.

Council Member Coombs expressed concerns related to the ballot language, specifically in the fact that Aurora was copying Denver when she heard earlier that was something Council objected to doing. She noted additionally, she had concerns that the language maintained discrimination against particular breeds of dogs and did not actually remove the ban on pit bulls and others. She noted it therefore did not have the same impact as the ordinance to repeal Section 14-75.

Council Member Gruber pointed out 64k+ people out of 340k voted in favor of a pit bull ban and it was Council's responsibility, as City representatives, to ask them again if they wanted pit bulls in the City. He stated the ordinance was not perfect but it did that and therefore he would support it.

Council Member Marcano stated his opinion that Council sent the item back to the voters in 2014 out of political expediency because they did not want to take responsibility for their votes on a matter that people were so passionate about. He stated he was willing to take responsibly for his vote on this because it was created by Council and therefore should be undone by Council and Council would suffer the consequences should the voters disagree.

Council Member Berzins disagreed and clarified she went to the City Attorney at the time and asked for the ballot language to be drawn up. She clarified it was not Council trying to shirk their duties and noted she took offense at the suggestion they did. She noted Council heard both sides of the issue and felt it was only fair to put it on the ballot for the voters to decide. She asked staff if the new language using 'shall' would be another advisory ordinance.

Daniel Brotzman, City Attorney, stated Section 2 was very clear that this could only be amended without voter approval of the amendments.

Council Member Hiltz stated her support of repealing the breed specific legislation which was also known as the pit bull ban by ordinance. She stated she has been talking about it for three years and there has been public outreach and input in that regard therefore she would not be supporting the item.

Mayor Coffman pointed out nowhere in the 2014 ballot language did it state that it was advisory. He stated his belief that the majority people in Aurora made a decision then and noted Council had a moral obligation to bring the question back to them and that was what he was doing.

Mayor Pro Tem Bergan stated her support for the item, noting her preference that the language state it was a full repeal because that was what went before the voters. She stated her issue with it was not to overturn the voters' decision by allowing it to go back to the voters but rather she felt opinions have changed over time.

Council Member Gardner stated he did not support the approach because it was not a repeal but rather allowed government to give permission on what breeds people could and could

not have through a permitting process. He stated he understood the arguments that the item was controversial but noted people had strong opinions about most things Council voted on. He stated it was Council's job as elected representatives to make hard choices. He did not feel that every controversial issue should go to the voters in a representative government.

Voting Aye: Bergan, Berzins, Gruber

Voting Nay: Coombs, Gardner, Hiltz, Johnston, Lawson, Marcano, Murillo

10.k. Mobile Vehicle Barriers Procurement Resolution

R2020-174 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE AURORA POLICE DEPARTMENT'S EFFORTS TO PROCURE MOBILE VEHICLE BARRIERS FROM OR THROUGH THE STATE HOMELAND SECURITY GRANT AND DENVER URBAN AREA SECURITY INITIATIVE PROGRAM

**Darin Parker, Deputy Chief of Police
Dave Lathers, Senior Assistant City Attorney**

Motion by Gruber, second by Berzins, to approve item 10k.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

10.l. Rule Change Meeting Time

R2020-175 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO MODIFY THE RULES OF ORDER AND PROCEDURE FOR THE AURORA, COLORADO, CITY COUNCIL

**Susan Barkman, Council/Mayor Management Analyst
Rachel Allen, Client Manager Group**

Susan Barkman, Council/Mayor Management Analyst, provided a brief summary of the item.

Motion by Coombs, second by Lawson, to approve item 10l.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

Roger Sherman introduced speakers from the call-in line.

Mayor Coffman called for a five-minute break.

11. PUBLIC HEARING WITH RELATED ORDINANCE

None

12. PUBLIC HEARING WITHOUT RELATED ORDINANCE

◆ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

None

13. **INTRODUCTION OF ORDINANCES**

13.a. The Ban on Restricted Breed Dogs

2020-70 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REPEALING SECTION 14-75 OF THE CITY CODE PERTAINING TO THE BAN ON RESTRICTED BREED DOGS AND AMENDING SECTIONS 14-4 AND 14-73

Anthony Youngblood, Manager of Animal Services
Tim Joyce, Assistant City Attorney

Motion by Hiltz, second by Coombs, to introduce item 13a.

Roger Sherrman introduced additional speakers from the call-in line and Council heard public comment on the item.

Council Member Hiltz reiterated her previous comments on the issue.

Council Member Murillo stated her understanding this was a contentious issue and she supported it. She stated it took her a while to do so because she did not ever want the constituency to feel as though their voices were not heard, however, she felt this issue was different. She noted the City enacted a dangerous dog ordinance, which in her mind encompassed all dogs that have demonstrated specific behavioral issues. She stated this impacted and protected all constituents because there were dogs who, for whatever reason, posed a risk to peoples' safety. She felt having a systematic process to deal with all breeds helped people feel safer and having that enacted was a dealbreaker and made more sense to her. She stated she did not agree with breed-specific legislation because it did not do what it was intended to do and she felt it actually did the opposite.

Council Member Coombs expressed appreciation to staff for their efforts in this regard. He noted it has been a long process that resulted in something that fit within the laws and ordinances of the City of Aurora while also taking into the account the need to keep people and their pets safe.

Council Member Gruber pointed out that on November 4th, 2014, the citizens of Aurora, Colorado voted on what they thought was a binding ballot question related to allowing pit bulls back into the City, which failed. He felt Council had the responsibility to go back to those people to ask their opinion on this question again.

Council Member Lawson concurred with Council Member Murillo's remarks regarding how she viewed the item. She stated the City had a dangerous dog ordinance in place which made it more equitable for all dogs that were considered dangerous to be under this ordinance which was why she would support it.

Mayor Pro Tem Bergan pointed out 64 percent of the voters voted to not repeal the ban on pit bulls in the City in 2014. She stated she was glad the dangerous dog ordinance was in place because it would help the City keep track of them and noted it would be important to see that take effect. She stated her opinion that it was about not overturning the vote of the people, but rather having the respect to go back to them to weigh in.

Council Member Johnston stated her support for the item because breed-specific legislation was not effective and having a dangerous dog ordinance in place made her more comfortable with the item.

Council Member Berzins stated her respect for the voters and her agreement that it should go back to the voters. She related recent instances where dogs were attacked by pit bull-type dogs. She stated she loved dogs but pointed out these particular dogs were unpredictable. She stated breed-specific legislation worked and she wanted Aurora residents to know that she has done everything she could to keep children and dogs safe in that regard. She stated she would not support the item because it was a public safety issue.

Voting Aye: Coombs, Gardner, Hiltz, Johnston, Lawson, Marcano, Murillo

Voting Nay: Bergan, Berzins, Gruber

Council Member Coombs stated the head of the Denver Dumb Friends League was unable to speak on the item.

14. **FINALIZING OF ORDINANCES**

14.a. 2020 Fall Supplemental Ordinance

2020-68 AN ORDINANCE OF THE CITY OF AURORA, COLORADO
APPROPRIATING SUMS OF MONEY IN ADDITION TO THOSE APPROPRIATED IN
ORDINANCE NOS. 2019-82, AND 2020-44 FOR THE 2020 FISCAL YEAR

Presenter: Kerstin Claspell, Lead Financial Analyst
Attorney: Hans Hernandez Perez, Assistant City Attorney

Motion by Gruber, second by Coombs, to approve item 14a.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

14.b. Adoption of Economic Nexus

2020-69 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, AMENDING VARIOUS SECTIONS OF CHAPTER 130 OF THE CITY CODE
RELATED TO ECONOMIC NEXUS

Presenter: Trevor Vaughn, Manager Of Tax And Licensing
Attorney: Hans Hernandez Perez, Assistant City Attorney

Motion by Gruber, second by Bergan, to approve item 14b.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

14.c. Marijuana Delivery Within the City

2020-65 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 6 OF THE CITY CODE PERTAINING TO BACKGROUND QUALIFICATIONS FOR MARIJUANA BUSINESS OWNERS AND EMPLOYEES AND TO ADD A SECTION TO ALLOW MARIJUANA DELIVERY WITHIN THE CITY

Presenter: Robin Peterson, Manager Marijuana Enforcement
Attorney: Money, Daniel, Senior Assistant City Attorney

Motion by Coombs, second by Johnston, to approve item 14c.

Roger Sherman introduced additional speakers from the call-in line and Council heard public testimony.

Council Member Coombs addressed the Amazon warehouse issue that was raised by a caller. She stated she has spoken with others with the same concern who have stated they did not want the ordinance to be amended accordingly if doing so meant it would be delayed. She stated they would be okay with the issue being addressed by the Amendment 64 committee. She stated Denver to deliver to Aurora would not be addressed until Denver passed their ordinance so there was time because it was unclear at this time if Denver would implement a cross jurisdictional delivery program. She asked staff if removing the intersectional delivery would be considered a substantive change that would require an additional reading.

Daniel Brotzman, City Attorney, answered affirmatively.

Council Member Gruber agreed this was severely flawed because Denver was not the only city in Colorado that sold marijuana that could ship their products to Aurora. He stated his understanding that a customer could call a store to purchase marijuana and then the store called the delivery person who then accepted the product at the store and delivered it directly to the customer to complete the transaction.

Robin Peterson, Manager Marijuana Enforcement, concurred, noting the transporter had to have a contract between themselves and the store.

Council Member Gruber asked if a store could pre-load a transport partner to save time. Ms. Peterson answered no. Council Member Gruber asked if that was in the ordinance. Ms. Peterson stated it was in the state statute. Council Member Gruber stated he would not support the item because it was severely flawed and while he believed in supporting social equity, he did not agree with restricting competition.

Council Member Coombs addressed the comments made on social equity particularly the claim made by Sharp Solutions that the City was doing this wrong by opening a market that has been exclusive thus far because Sharp was the only one who could do it right. She clarified the City did have qualified people who were training for a license with other qualified people.

Council Member Johnston encouraged her colleagues to support the item. She stated this supported business and the market by providing more choices for residents. She noted it was not rushed as it was vetted and staff has ensured the City has been consistent with state legislation. She stated the City had the opportunity to offer this to residents with the added benefit of additional revenue for the City. She pointed out the City would be addressing systems put in place a long time ago that were a disadvantage to many people through the social equity piece.

Mayor Pro Tem Bergan asked staff to speak to the likelihood of the City being sued because the social equity piece precluded competition.

Dan Money, Assistant City Attorney, stated any litigant could bring a lawsuit against the City for any reason but it was staff's job to determine the likelihood of whether or not that litigant would be successful against the City so just because the City had social equity did not mean they would be sued.

Mayor Pro Tem Bergan asked if there was a possibility that the 36-month timeframe would cause the City to put a cap on how much delivery could be done thereby making the City less competitive than other jurisdictions. Mr. Monday agreed that was a possibility. Mayor Pro Tem Bergan stated her wish that the time period was shorter. She expressed concerns that the item would be hurting Aurora businesses and Aurora jobs because of interjurisdictional or out-of-state delivery.

Council Member Johnston stated people have been waiting for the City to do the right thing so there would not be a shortage of social equity transporter licensees applying for this.

Council Member Berzins asked Council Member Coombs if one of the different businesses she was talking about that were getting ready to deliver was the large business she read about that would be moving to Aurora to deliver. Council Member Coombs answered no, noting Drizly was a national company that delivered alcohol and cannabis in areas where it was allowed and noted they were the ones training the social equity transporters for compliance. Council Member Berzins noted the issue has received a lot of press all over the United States because Aurora was the first city in Colorado to start marijuana delivery. She stated she voted in support of the item because she wanted to see delivery move forward but she did have concerns related to the number of phone calls and emails she has received as the Amendment 64 Chair from people who wanted to support social equity but did not feel the three-year exclusive contract was fair or equitable because it removed competition. She noted Aurora had a large immigrant population where driving for their jobs was a particular thing they did so to limit this to one group of people for three years felt like a slap in the face to those other diverse groups. She stated she was uncertain if she could vote for this because it was not broken up into two pieces such as delivery and the social equity

piece. She stated her support for social equity. She noted additionally that there were a lot of lobbyists trying to write the ordinance and Council could not let that happen as the elected officials. She wondered how they were being fair to the social equity piece as well as other people in a city of 340k by requiring a three-year contract with a certain group of people who were already getting a huge discount.

Council Member Coombs clarified the businesses could employ anyone they wanted because it was the business owners who were required to meet the requirement and not the employees. She noted the definition of social equity set by the state did not relate to one small group of people but rather related to anyone at 50 percent or below of the median income in the state of Colorado, which was almost half of people by definition, anyone who lived in a certain census tract which included various people of all groups or who had a prior marijuana conviction before it was legal. She stated only one of those criterion had to be met and it included a lot of people. She suggested there were those in business in other jurisdictions who were upset because they did not meet that criteria but businesses in Aurora have stated their support of social equity.

Council Member Johnston concurred with Council Member Coombs' comments and addressed the concerns related to benefitting a certain group of people. She stated that was what City policies have been doing for a long time with the previous laws that gave others advantage. She stated this stated the City was committed to a change in doing this for three years because of the previous policies that have been in place, noting not to mention the many different types of people that the City's race-neutral based policy supported. She stated her hope that her colleagues would support it.

Council Member Marcano concurred, noting this went a long way back and it was important for everyone to keep in mind there was not a neutral set of rules. He stated the whole of society must be considered from beginning to end and this made perfect sense given the current moment. He stated his support of the item.

Voting Aye: Coombs, Gardner, Hiltz, Johnston, Lawson, Marcano, Murillo

Voting Nay: Bergan, Berzins, Gruber

15. **PLANNING MATTERS**

15.a. Call up of a decision by the Planning and Zoning Commission which unanimously approved an Oil and Gas Location applied for by GMT Exploration Company.

Presenter: Jeffrey Moore Manager Oil & Gas Division
Attorney: Best, Ian, Assistant City Attorney

Susan Barkman, Interim City Clerk, stated the applicant requested the item be heard at the second Council meeting in February.

Mayor Coffman asked if there was any objection to doing so and hearing none, moved the item forward.

16. **ANNEXATIONS**

- ◆ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

16.a. Vista Creek Initial Zoning

2020-67 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ZONING 9.99 ACRES OF LAND, MORE OR LESS, GENERALLY LOCATED WEST OF GUN CLUB ROAD BETWEEN THE EAST 5TH AND EAST 6TH AVENUE ALIGNMENTS, WITHIN THE COUNTY OF ARAPAHOE, STATE OF COLORADO, TO MIXED-USE REGIONAL DISTRICT AND AMENDING THE ZONING MAP ACCORDINGLY (VISTA CREEK INITIAL ZONING)

Presenter: Heather Lamboy, Planning Supervisor
Attorney: Dan Money, Assistant City Attorney

Mayor Coffman opened the public hearing on the item and hearing no comment, closed the public hearing.

Motion by Gruber, second by Marcano, to approve item 16a.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

17. **RECONSIDERATIONS AND CALL UPS**

17.a. RECONSIDERATION OF RESOLUTION 2020-22 – Review of the powers granted to the City Manager by Resolution 2020-22. The powers granted to the City Manager which are set forth in the Disaster Declaration shall remain in place until a majority of Council votes to end the Declaration.

Attorney: Evans, Isabelle, Assistant City Attorney

Motion by Gruber, second by Marcano, to approve item 17a.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

17.a.1. Declaration for tenant relief under the disaster declaration.

Sponsor: Juan Marcano, Councilmember
Tim Joyce, Assistant City Attorney

Motion by Marcano, second by Coombs, to approve item 17.a.1.

Council Member Marcano expressed appreciation to staff for their efforts in this regard, noting this was inspired by the City of Broomfield where they passed a prohibition on late fees being assessed for residential and commercial property during the state of emergency. He stated similarly it was a straightforward regulation which would prohibit the assessment of late fees during Aurora's state of emergency. He noted this was something the City could do to help people who were struggling to pay their rent.

Mayor Pro Tem Bergan stated obviously people were suffering from not being able to work and she was happy this also applied to commercial tenants as well.

Council Member Gruber referenced the Fifth Amendment and asked staff to speak to the concern that the City was allowed to take property from the public without just compensation.

Tim Joyce, Assistant City Attorney, stated the Fifth Amendment would not apply because of the declared pandemic and disaster declaration.

Council Member Marcano stated takings would apply should the City appropriate property.

Mr. Joyce stated Council Member Gruber was correct that the Fifth Amendment would normally apply but reiterated there was an exception because of the disaster declaration.

Council Member Coombs pointed out Council passed an ordinance that limited the amount that could be charged in another area of business and asked if that was in their purview.

Mr. Joyce stated there was a fine line between a tax and a fee and fees could be limited during a disaster declaration.

Mayor Pro Tem Bergan noted Council Member Coombs was alluding to the cap on delivery fees and asked if doing so during the pandemic would be in the same category. Mr. Joyce answered affirmatively.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Hiltz, Johnston, Lawson, Marcano, Murillo

Council Member Gruber was unable to vote on the item due to internet connectivity issues.

18. **GENERAL BUSINESS**

18.a. Consideration to appoint one member to The Art in Public Places Commission

Presenter: Susan Barkman, Interim City Clerk, General Management
Attorney: Dave Lathers Senior Assistant City Attorney

Motion by Coombs, second by Hiltz, to appoint Margaret Norwood to the Art in Public Places Commission.

Council Member Gruber was unable to connect to the meeting at this time.

Mayor Pro Tem Bergan noted this would not happen if the Council was in person and asked staff if a council member who was unable to vote due to technical issues could vote upon their return.

Dan Brotzman, City Attorney, answered no, noting it was much like a council member walking out of the room at an in-person meeting. He stated those who were not in the room could not vote.

Mayor Pro Tem Bergan pointed out it was a choice to walk out of the room but technical issues were not a choice.

Council Member Gruber reconnected to the meeting.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

Council Member Gruber stated his intention to vote against item 17.a.1.

18.b. Consideration to appoint a member to the Aurora Fox Arts Center Board

Presenter: Susan Barkman, Interim City Clerk, General Management
Attorney: Dave Lathers Senior Assistant City Attorney

Motion by Coombs, second by Marcano, to appoint Matthew McCormick to the Aurora Fox Arts Center Board.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

18.c. Consideration to appoint a member to the Aurora Youth Commission

Presenter: Susan Barkman, Interim City Clerk, General Management
Attorney: Dave Lathers Senior Assistant City Attorney

Motion by Marcano, second by Coombs, to appoint Jonathan Gray to the Aurora Youth Commission.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

18.d. Final 2021 Meeting Schedule

Susan Barkman, Interim City Clerk
Dave Lathers Senior Assistant City Attorney

Susan Barkman, Interim City Clerk, stated the item related to approval of the 2021 Council meeting calendar.

Motion by Coombs, second by Johnston, to approve item 18d.

Council Member Marcano asked if study sessions or meetings would be moved to the Tuesday after when there were Monday holidays or would they be cancelled. Ms. Barkman stated there was not consensus on the topic. Council Member Marcano stated the study sessions should be scheduled for the next business day that was not a holiday.

Mayor Pro Tem Bergan stated she did not support it because it was a rare occurrence.

Council Member Berzins noted the calendar showed a meeting on the Monday following all of the all-day Saturday workshop and pointed out that was something Council has tried to avoid in the past due to the amount of work that went into preparing for both meetings.

Council Member Gardner stated he did not support moving the Monday meetings that fell on a holiday to Tuesdays because it was in conflict with the purpose of the calendar which was to provide certainty to the public.

Council Member Berzins stated she wanted to bring attention to the meetings being scheduled after the workshops but noted it was not a proposal. She stated she simply wanted to point out it would be a hardship on the Council and staff.

Mayor Coffman stated it was not a proposal and Council was discussing Council Member Marcano's proposal.

Council Member Marcano asked staff if in the months like January where Council only had one study session, would the content cover the other weeks meetings. Ms. Barkman agreed staff would likely be trying to work information from both meetings into the one for that circumstance.

Council Member Johnston pointed out Council wanted to accommodate those on Council that worked outside of Council and also have the consistency for the public, so she was uncomfortable moving the meetings to Tuesdays. She stated she was however open to having a special meeting if necessary.

Council Member Lawson stated she would not support the item because of the impact to those on Council who worked outside of Council.

Council Member Marcano withdrew his proposal.

Mayor Pro Tem Bergan stated the workshop dates had to be approved as a part of the calendar.

Mayor Coffman concurred.

Council Member Johnston pointed out one of the reasons the proposal was to include every Monday was so Council did not have 19 items for backup and beginning at 3:00 p.m. every meeting and she was giving staff leeway that Council would not be scheduled for workshops from 3:00 p.m. to 1:00 a.m.

Council Member Coombs pointed out a meeting was not scheduled the week prior to the workshops and asked if the workshops could be moved to the prior week.

Ms. Barkman stated to move the winter workshop up would put it on a holiday weekend where staff has a furlough.

Mayor Pro Tem Bergan stated the idea of changing the workshop to the previous week so it would not back up from a Saturday to a Monday meeting was a good idea. She asked staff to restate the problem with doing so. Ms. Barkman did so. Mayor Pro Tem Bergan pointed out the meeting was on a Saturday and not the Friday furlough day.

Jim Twombly, City Manager, stated it was federal law that staff could not work more than 32 hours the week of a furlough day so they could not work on a Saturday

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

19. **REPORTS**

19.a. Report by the Mayor

Mayor Coffman encouraged everyone that while public health orders were in place to try and order a takeout meal once a week from locally owned independent restaurants to help them survive the pandemic. He noted Council reports would be done differently and Council would combine their personal remarks with any report they wanted to give related to committees they sat on.

19.b. Reports by the Council

Council Member Lawson discussed the recently passed COVID bill and provided an update on the upcoming legislative session.

Council Member Hiltz wished everyone happy holidays and pointed out that last week someone died from COVID every 33 seconds so it was incumbent upon everyone, especially elected leaders, to really step it up and follow the guidelines.

Council Member Gruber wished everyone a Merry Christmas and happy holidays.

Council Member Murillo referenced the email she sent Council regarding the RTD Accountability Committee's proposed legislative recommendations and asked Council to review it and provide feedback. She summarized the proposed legislation and stated they have been working with staff to garner input as well as on an equity assessment. She expressed appreciation to everyone for an eventful and wonderful year and wished everyone happy holidays and her hope they enjoyed time with their families.

Council Member Johnston expressed appreciation to Leanne Wheeler for her service to Aurora as Chair of the Citizens Advisory Budget Committee (CABC) and announced the appointment of Dr. Kyla Armstrong Romero to the CABC. She expressed her hope that everyone has a good holiday.

Council Member Berzins wished everyone a Merry Christmas or Happy Hanukkah and stated her hope that everyone would celebrate whatever holiday they celebrated with those they loved because one never knew what the next day would bring.

Council Member Marcano stated the Aurora Sister Cities Board was grateful for Council's continued support for the organization and noted they were preparing a revenue stream presentation to be presented to Council in the new year. He announced the Ward IV Town Hall meeting was scheduled for Wednesday, January 13, 2021 at 6:30 p.m. He wished everyone a wonderful holiday season, a happy new year and stated his hope they would stay healthy and safe.

Council Member Coombs stated her hope that everyone would stay safe and well and enjoy their holidays. She gave a shout-out to a group of community members who were able to

provide gifts, food and clothing for 100 children from over 30 families in Aurora. She expressed appreciation to those community members for coming together and taking care of each other during this time.

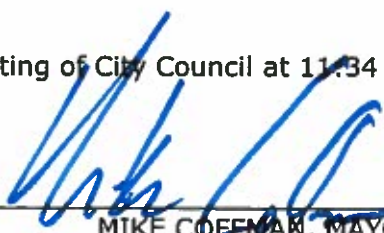
Mayor Pro Tem Bergan provided an update on the E-470 lane widening project from Quincy to I-70 North which was almost completed and the E-470 budget revision due to COVID restrictions. She stated she was nominated for Secretary of the Executive Board and expressed her hope that everyone would stay healthy and that 2021 would be a better year than 2020. She wished everyone a Merry Christmas and happy holidays.

20. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)


21. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 11:34 p.m.



MIKE COFFMAN, MAYOR

ATTEST:



Kadee Rodriguez, City Clerk